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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,388	06/22/2001	Peter Albert Jensen	1380-0159P	6204
2292	7590	12/05/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 12/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,388

Applicant(s)

JENSEN, PETER ALBERT

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/22/01, 8/16/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396) in view of Sassin (6,456,619) in view of Dedrick (5,724,521).

Claim 1, 5, 8, 10-13, 17-20: Gerace discloses a method, system for interactive distribution and presentation of information and for measuring information exposure, comprising:

Gerace discloses the presenting of a wide range of content (col 1, lines 14-30; col 2, line 60- col 3, line 5) and a variety of types of interactions with a user including financial interactions, stocks and bonds, travel arranging (col 22, lines 15-20). Gerace further discloses messages sent to the user (col 10, lines 23-47).

Gerace further discloses generating statistics for each selected message set, said statistics indicating for each of a plurality of content in the corresponding information the likelihood that users in a given demographic group are presented with that type of content (col 18, lines 10-26; col 18, lines 60-65).

Art Unit: 3622

Gerace further discloses updating said selection criteria based on the generated statistics (col 20, lines 9-20).

Gerace further discloses that content can be designated to be presented in different types of sequences (col 12, lines 20-56).

Gerace does not explicitly disclose a tree structure for information presentation.

Sassin further discloses profiling a user (col 1, lines 41-60) and a variety of types of interactions with users including financial interactions, stocks and bonds, travel arranging (col 1, lines 16-22).

Sassin further discloses organizing each of a plurality of message sets into a multi-level information tree structure, some messages in said multi-level information tree being arranged for sequential presentation and some messages in said multi-level information tree being arranged for alternative presentation, and storing each of said plurality of message sets on at least one computer that is connected to a computer network (col 1, lines 10-22; col 2, lines 20-65);

assigning selection criteria to each message set (col 9, lines 40-57);

selecting, based on the selection criteria, one of the message sets for presentation to a user connected to the network and presenting a message of a first level in the multi-level information tree corresponding to the selected message set to said user along with a plurality of response choices (col 9, lines 40-57; col 1, lines 10-22; col 2, lines 20-65);

receiving a selected response from the user (col 4, lines 1-41);

selectively and iteratively presenting messages of subsequent levels in the multi-level information tree corresponding to the selected message set to said user along with subsequent

Art Unit: 3622

response choices based on user response to previously presented response choices (col 4, lines 1-41);

monitoring a level of said multi-level tree structure that said user reached during said step of selecting and iteratively presenting messages (col 4, lines 1-41; col 1, lines 49-60).

Sassin further discloses wherein messages in the selected message set are embedded in information the user accesses from a computer on the computer network (col 4, lines 15-41).

Dedrick discloses the determination of which messages are included in which levels of said information tree being based on a fee arrangement that charges higher fees for messages in lower levels of said multi-level information tree relative to messages in higher levels of said multi-level information tree, the likelihood of selection for a given message set being a function of a priority fee arrangement for presenting said given message set (col 2, lines 10-20; col 13, line 64-col 14, line 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Sassin's tree structure for information and Dedrick's charging more for more valuable information to Gerace interacting with a user with a variety of information types and designating how to present information to a user. One would have been motivated to do this in order to better organize information presented to a user and to better charge for information presented to a user.

Sassin further discloses wherein any text portions of the messages are run through a text to speech converter and a speech synthesizer in order to be presented to the user as audible speech (Fig. 2, item 34, item 36).

Art Unit: 3622

Claim 2: Gerace, Sassin, and Dedrick disclose the method according to claim 1. Gerace further discloses that the message set is selected by referring to said information tree or a group of information trees to which said information tree belongs and based on some information the user retrieves from a computer connected to the computer network (col 16, lines 37-55; col 6, line 57-col 7, line 23).

Claim 3, 14: Gerace, Sassin, and Dedrick disclose the method according to claim 1. Gerace further discloses that the step of selecting a message set for presentation to a user includes:

receiving from the user's computer a user ID that refers to a user profile in a user profile database,

comparing the user profile with selection criteria associated with the message sets, and selecting a message set with criteria that are fulfilled by the user profile (Fig. 2; col 6, lines 45-57).

Claim 4, 15: Gerace, Sassin, and Dedrick disclose the method according to claim 1. Gerace further discloses that the step of selecting a message set for presentation to a user includes:

assigning priorities to the message sets; and

selecting the message set with the highest priority of all the message sets that are eligible for selection (col 32, lines 5-19).

Claim 6, 7: Gerace, Sassin, and Dedrick disclose the method according to 1. Gerace further discloses that messages are transferred to the user's computer in a form that will cause such messages to be presented separate from any other information presented to the user, such as

Art Unit: 3622

in a separate window, in a pop-up window on the display of the user's computer, or as audio, or as a combination thereof (col 12, lines 48-55; col 1, lines 29-36).

Gerace further discloses that the messages in the message sets are multimedia messages (col 12, lines 48-55).

Claim 16: Gerace, Sassin, and Dedrick disclose the system according to claim 15.

Gerace further discloses that said means for generating statistics includes means for registering how many times a particular message set or particular part of a message set is presented and means for generating and presenting statistics in real time, based on such registration (col 18, lines 10-26; col 18, lines 60-65; col 20, lines 9-20; col 2, lines 35-42).

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerace (5,848,396) in view of Sassin (6,456,619) in view of Dedrick (5,724,521) and in further view of Luther (5, 500,919).

Claim 9: Gerace, Sassin, and Dedrick disclose the method according to claim 8.

Gerace further discloses audio and multimedia messages (col 12, lines 48-55; col 1, lines 29-36) and utilizing radio and television broadcasts (col 36, lines 49-54) and the utilization of personalities or sportscasters or announcers(col 31, lines 1-8).

Dedrick further discloses combining audio, text, animation (col 13, lines 5-12).

Gerace does not explicitly disclose a talking head.

However, Luther discloses a text to speech converter and an animated talking head on a graphical user interface (col 4, lines 53-67; Fig. 3).

Art Unit: 3622

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Luther's talking head to Gerace's multimedia presentation of text, graphics, audio, voice, radio, television broadcasts. One would have been motivated to do this in order to present information in a format that is of interest to the user.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Le Blanc (5,977,968) discloses information presented in a tree format;
- b. Goldhaber (5,794,210) discloses information presented in a tree format;
- c. Herz (6,029,195) discloses information presented in a tree format;
- d. Fawcett (5,802,526) discloses information presented in a tree format;
- e. Freeman (4,320,256) discloses information presented in a tree format.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran
Patent Examiner
1/19/05